

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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NIEBLER, PYZYK, KLAVER AND  
WAGNER, LLP and JOHN H. NIEBLER,

Plaintiffs,

v.

Case No. 04-C-1029

TIG INSURANCE COMPANY,

Defendant and Counterclaim Plaintiff,

v.

HAROLD C. LANE, JR.,

Third-Party Counterclaim Defendant.

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**SECOND ORDER RE: TIG INSURANCE COMPANY'S PRIVILEGE CLAIMS**

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On September 14, 2005, this court issued an order which *inter alia* directed TIG to file with the court for its review a copy of two documents previously withheld from discovery on grounds that they were protected from disclosure by the work product and attorney-client privileges. Those documents were previously identified as: (1) Document No. 3 (no Bates number; May 10, 2004 correspondence of TIG coverage counsel Attorney Michelle Bracke to TIG claims representative Doug Henderson) and (2) Document No. 6 (no Bates number; February 3, 2005 correspondence of TIG coverage counsel Attorneys Michelle Backe and Jeffrey Goldwater to TIG claims representatives Mark Rapponotti and Pete Slavin). On September 16, 2005, TIG filed those two documents with the court, but under seal. I have now reviewed those documents and am persuaded that both documents are protected from disclosure by both the attorney-client and work product privileges.

Thus, TIG's objection to production of such two documents is *sustained* and TIG will not be ordered to produce either Document No. 3 or Document No. 6.

**NOW THEREFORE IT IS ORDERED** that TIG's objections to the production of documents number 3 and 6 are sustained and, therefore, TIG need not provide a copy of such documents to counsel for Lane.

**SO ORDERED** this 19th day of September 2005, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge